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The Chrysler Building
405 Lexington Avenue | New York, NY 10174-0208
blankrome.com

Phone: (212) 885-5259
Fax: (917) 332-3730
Email: jkimball@blankrome.com

December 10, 2019

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Motion to Reopen Discovery and Request for Leave to File Motion for
Letters of Request
*Odyssey Marine Exploration, Inc. v. The Shipwrecked and Abandoned S.S.
Mantola*, Docket No. 1:17-cv-02924-PAE

Dear Judge Engelmayer:

We represent Plaintiff Odyssey Marine Exploration, Inc. (“Odyssey”) in the above referenced matter. Pursuant to the Court’s Opinion and Order dated November 19, 2019 (Doc. No. 88) and Rule 26 of the Federal Rules of Civil Procedure, Odyssey hereby respectfully moves the Court to reopen discovery in this matter and requests leave to move the Court for the issuance of Letters of Request to permit it to obtain evidence abroad concerning the circumstances under which the silver bars were removed from the S.S. Mantola and the date of such removal.

If the Court permits Odyssey to reopen discovery, Odyssey intends to seek the issuance of letters of request Letters of Request pursuant to Federal Rule of Civil Procedure 28(b), 28 U.S.C. § 1781(b)(2), and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, to the Senior Master of the Royal Courts of Justice,

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England and Wales and the Royal Ministry of Justice and Public Security of Norway.¹ The Letters of Request will seek documentary evidence and testimony concerning the circumstances under which the silver bars were recovered and deposited with the RoW in April 2017 from Mr. Anthony Clake of London, UK, and Mr. Arvid Pettersen, Chief Technology Officer of Swire Seabed AS, Bergen, Norway.

Odyssey has credible information that Mr. Clake was the individual who directed the removal of the silver bars from the Mantola wreck site by the M/V Seabed Constructor, the transfer to the M/V Seabed Prince, and the deposit with the RoW. Odyssey also has credible information that Mr. Clake may have misrepresented the circumstances of the removal in official reports to the RoW. Swire Seabed AS was the owner and/or operator of the M/V Seabed Constructor and the M/V Seabed Prince, and Odyssey has credible information that Mr. Pettersen directed the actions of Swire Seabed AS's captains and crew onboard the vessels during the relevant time periods.

Odyssey also very respectfully requests that the Court act on this motion at its earliest convenience, as it has just learned that Swire Seabed AS will be suspending its operations by February 20, 2020, after which the burden on obtaining evidence and testimony would become significant.

Respectfully submitted,

/s/John D. Kimball

John D. Kimball

¹ The Letters of Request would be similar in format to the Letters of Request the Court issued on September 21, 2018 (Doc. No. 68) seeking to obtain discovery from and take the testimony of the United Kingdom Receiver of Wreck ("RoW") and Department for Transport ("DfT").

Granted. Discovery will be reopened in this case. Odyssey is to file its application for Letters of Request by January 8, 2020.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGBLUMAYER
United States District Judge

December 11, 2019